

In the United States District Court
for the Eastern District of Texas
Beaumont Division

Ralph Lynn Ferguson, Jr. §
Plaintiff, §
§
v. § Civil Action No. 1:16-cv-272
§
Eric Marcine Dunn, *et al.*, §
Defendants. § Jury

Defendant Dunn's Answer to Plaintiff's Fifth Amended Complaint

Pursuant to Rule 8(b)(3), Defendant Eric Dunn denies the Plaintiff's allegations except those expressly admitted herein. Defendant asserts his entitlement to qualified immunity and demands a jury.

1. Dunn admits that he is employed as a trooper for the Texas Department of Public Safety and was so at the time of the incident in question.
2. Dunn admits that he was acting under color of law and within the scope of his employment at the time of the incident in question.
3. Dunn admits the jurisdiction of this Court over the claims asserted.
4. Dunn admits venue is proper.
5. Dunn admits that he subjected Plaintiff to a traffic stop on August 5, 2014, arrested Plaintiff, impounded his car and conducted an inventory search based upon that impoundment.
6. Dunn admits that he performed the traffic stop based upon reasonable suspicion that Plaintiff was in violation of at least one provision of the Texas Transportation Code.
7. Dunn admits that he arrested Plaintiff on August 5, 2014 and transported him to the New County jail.
8. Dunn denies that he violated Plaintiff's Constitutional rights.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

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First Assistant Attorney General

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/s/SETH BYRON DENNIS
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Attorneys for Defendant Dunn

Notice of Electronic Filing

I, Seth Byron Dennis, Assistant General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing **Defendant Dunn's Answer to Plaintiff's Fifth Amended Complaint** in accordance with the Electronic Case Files System of the Eastern District of Texas, on this the 12th day of June, 2018.

/s/ Seth Byron Dennis
SETH BYRON DENNIS
Assistant Attorney General

Certificate of Service

I, Seth Byron Dennis, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendant Dunn's Answer to Plaintiff's Fifth Amended Complaint** has been served by means of the Eastern District of Texas's CM/ECF filing system, in accordance with the Federal Rules of Civil Procedure on this the 12th day of June, 2018, addressed to all parties of record. It has also been sent by United States mail to:

Ralph Ferguson, Jr.
1192 Highway 27
DeRidder, LA
70634

/s/ Seth Byron Dennis
SETH BYRON DENNIS
Assistant Attorney General